

Section 1035 - General Nuisances

1035.01 Authority and Definition.

Subd. 1 **Authority.** By M.S. 412.221, Subd. 23, the Council shall have the power by ordinance to define nuisances and provide for their prevention and abatement. Therefore, this Section is adopted.

Subd. 2 **Definition.** A nuisance is a thing, act, occupation or use of property which:

- A. Annoys, injures, or endangers the safety, health, comfort, or repose of the public;
- B. Offends public decency;
- C. Unlawfully interferes with, obstructs, or tends to obstruct or render dangerous for passage, a lake, stream, canal, or basin or a public park, square, street, alley or highway; or
- D. In any way renders the public insecure in life or in use or property.

1035.02 Nuisances Affecting Public Health. The following are declared to be nuisances affecting public health:

Subd. 1 **Stagnant Water.** All ponds, pools and accumulation of stagnant water.

Subd. 2 **Pollution of Public Water.** The pollution or contamination of any well or cistern, stream, lake, canal, or body of water by sewage, creamery, or industrial waste or other substance.

Subd. 3 **Smoke, Fumes, Gas and Soot or Cinders.** Smoke, fumes, gas and soot, or cinders in such quantities as to render the occupancy of property uncomfortable to a person of ordinary sensibilities.

Subd. 4 **Discarded or Disused Equipment or Material and Refuse.** Accumulations of discarded or disused machinery, household appliances and furnishings, or other material, or storage in the open of machinery, equipment, or materials not in normal use on the premises where stored, in a manner conducive to the harboring of rats, mice, snakes or vermin, or to fire, health or safety hazards from such accumulations. Accumulations of refuse as defined in Section 705.01 of this Code.

Subd. 5 **Dangerous, Unguarded Machinery that Attracts the Public.** All dangerous, unguarded machinery, in any public place, or so situated or operated on private property as to attract the public.

Subd. 6 **Any Well, Hole, Excavation, or Large Appliance Dangerous to Child or Others.** Any well, hole, or excavation left uncovered or in such other condition as to

constitute a hazard to a child or other person, being or coming upon the premises where the same is located; or any discarded or unused icebox, refrigerator, or other similar device or object which is left outside or in such condition as to be accessible to any child being or coming upon the premises where the same is located.

Subd. 7 **Attractive Nuisance.** Any structure, building, excavation, appliance, equipment or condition that attracts any person onto the premises where the condition is located and which may be a hazard to such person.

Subd. 8 **Barbed Wire.** Barbed wire which is installed less than eight feet above the adjoining ground.

1035.03 Nuisances Affecting Health, Safety and Welfare. The following are declared to be nuisance affecting health, safety and welfare:

Subd. 1 **Radio Aerials.** Radio aerials strung or erected in any manner except that allowed by the provisions of this Code.

Subd. 2 **Ice, Snow or Rainwater.** Allowing ice, snow, or rainwater to fall from any building or structure upon any street or sidewalk, or to direct any rainwater or water from ice melt or snow melt so as to flow across any public sidewalk.

Subd. 3 **Waste Water.** Discharging any sump pump water, swimming pool water, or water which has been used in a manufacturing process or mechanical process so as to flow upon or over streets, sidewalks, or other public property or private property except that owned by the person discharging the water. Provided, however, swimming pool water, sump pump water and waste water permitted to be discharged into public waters by State Law and Federal Law may be discharged into the City storm sewer system provided that such discharge shall not accumulate so as to become stagnant.

Subd. 4 **Construction Material.** The outdoor storage of pipe, lumber, forms, machinery, or other construction material or supplies except for the purpose of construction or repair work being done to structures on the same property and pursuant to a valid building permit issued in accordance with Section 410 of this Code.

Subd. 5 **Household Furnishings and Appliances.** The outdoor storage of furnishings and appliances except furnishings designed for outdoor use such as picnic tables and lawn chairs.

Subd. 6 **Dead Trees and Limbs.** Dead trees, dead tree limbs or portions thereof that could cause property damage or injury if they were to fall.

Subd. 7 **Fences and Other Structures.** Broken, rotted, and dilapidated fences, play equipment and portable structures.

Subd. 8 **Firewood Piles.** Firewood piles except:

A. Piles which maintain a space of at least four inches between the ground and pile;

B. Piles located in the side yard or rear yard, no closer than five feet from a side or rear lot line; and

C. Piles that are not in violation of Subd. 2 of Subsection 1055.04 of this Code.

1035.04 Maintaining A Nuisance. No person shall, by act or failure to perform a legal duty, intentionally cause, maintain, or permit a nuisance, as defined in this section, on any private or public land.

History: Ord 1031 codified 1970; amended by Ord 1998-06 11-2-98

Reference: M.S. 412.221, Subd. 23

Cross Reference: Section 410; Subsection 1055.04